



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Environmental Impact Assessment Record of Decision

A9 Dualling – Dalraddy to Slochd

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I. Record of Decision under Paragraph 7 of Schedule 1 of the Roads (Scotland) Act 1984

The Scottish Ministers have considered whether to carry out works to widen the existing M9/A9 Edinburgh – Stirling-Thurso Trunk Road (“A9 trunk road”) between Dalraddy and Slochd to dual the carriageway throughout its 25 km length (hereafter referred to as the Project).

An Environmental Impact Assessment (EIA) has been undertaken for this Project.

In making this decision the Scottish Ministers have taken into consideration:

- a) the Environmental Statement (ES) for this Project published on 28 August 2018;
- b) Representations by consultation bodies and other persons, including objections, made to the ES and draft Orders during the six-week statutory consultation period following the draft Order publication commencing on 28 August 2018 and closing on 9 October 2018; and
- c) The evidence submitted to the Reporter for consideration in preparation for a Public Local Inquiry (PLI) for the Project to consider the extant objections, and the Reporter’s conclusions and recommendations as set out in Chapter 6 of the Reporter’s Report dated 20 April 2021.
- d) The project did not appear to the Scottish Ministers to be likely to have a significant effect on an EEA State and no EEA State indicated a wish to participate in the EIA procedure.

2. Description of the Project

The Project comprises on-line northbound and southbound widening to create a high-quality dual carriageway along approximately 25 km of the A9 trunk road between Dalraddy and Slochd, replacing the existing single and wide single 2+1 carriageway.

The Project will incorporate:

- Three grade separated junctions located south of Aviemore (Aviemore South), at Granish and Black Mount.
- Four left in-left out junctions at Craigellachie National Nature Reserve (Northbound), U2400 at Slochd (Northbound) and Lethendry (North and Southbound)
- New structures associated with the three grade separated junctions.

- New structures at High Burnside, Dulnain Bridge, Baddengorm Bridge and Slochd Beag (crossing the Highland Mainline railway)
- New watercourse crossing and underpasses
- local diversions of public roads
- Provision of new and upgraded private means of access
- Lay-bys
- retaining walls and earthworks to enable the road widening
- Measures to facilitate active travel, including extension of NMU route from Kincaig to Dalraddy northwards to Aviemore.
- utility diversions

In December 2011, the Cabinet Secretary for Infrastructure and Capital Investment announced the Scottish Government's commitment to dual the A9 between Perth and Inverness by 2025, identified as a strategic priority for Scotland via the 2011 Infrastructure and Investment Plan (IIP); this commitment was reaffirmed in the 2015 and 2021 IIPs.

The A9 Dualling Programme Objectives set by Transport Scotland are:

1. To improve the operational performance of the A9 by:
 - Reducing journey times; and
 - Improving journey time reliability.
2. To improve safety for motorised and non-motorised users by:
 - Reducing accident severity; and
 - Reducing driver stress.
3. Facilitate active travel in the corridor; and
4. To improve integration with public transport facilities.

The design and assessment of the Project was progressed through Design Manual for Roads and Bridges (DMRB) Stage 2 (route option assessment) taking into account the commitments outlined in the IIP. A preferred route option was announced in March 2017.

In accordance with the Roads (Scotland) Act 1984, as it was in force at that time, an Environmental Impact Assessment (EIA) screening exercise was undertaken in March 2017, determining that the project fell within the Annex 1 of Council Directive No. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC and

Council Directive No. 2003/35/EC. It was therefore necessary to conduct an EIA and publish an ES.

Annex 1 set out the categories of large-scale development that requires to be supported by an EIA. This included the realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road would be 10 kilometres or more in continuous length. As the proposed scheme is approximately 25 kilometres in length, including tie-ins, it required to be subject to an EIA.

The preferred route option for the Project identified at DMRB Stage 2 has since been developed and assessed through DMRB Stage 3. Whilst the EIA provisions in the Roads (Scotland) Act 1984 (the 1984 Act) relevant to trunk road projects in Scotland were amended in May 2017, the Project was subject to EIA scoping procedures and determination prior to the relevant transitional date of the amending legislation of 16 May 2017, and the EIA was therefore undertaken in accordance with the previous provisions of the 1984 Act.

An ES was published on 28 August 2018 along with draft Orders for the Project. These can be accessed at:

<https://www.transport.gov.scot/publication/draft-orders-and-environmental-statement-dalraddy-to-slochd-a9-dualling/>

3. Decision

On 15 November 2021 the Scottish Ministers decided to proceed with the Project and to make the following Orders, subject to certain modifications detailed below:

1. The A9 and A95 Trunk Roads (Dalraddy to Slochd) Compulsory Purchase Order 2024
2. The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Trunking) Order 2024
3. The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Side Roads) Order 2024
4. The A9 Trunk Road (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024.

4. Considerations and Reasons for Decision

In making the decision to proceed with this Project and make orders the Scottish Ministers took account of the representations of consultation bodies and objectors and the following material considerations;

Support for the A9 Dualling Programme between Perth and Inverness is expressed in national planning, transport and economic policy and supported by ministerial commitments. Evidence supporting the policy is included in the A9 Route Action Plan and Route Strategy (1997); Route Improvement Strategy Study (2004); Strategic Transport Projects Review Final Report (2009); Infrastructure Investment Plan (2011); National Planning Framework 3 (2014); Scotland's Economic Strategy (2015); A9 Dualling: Case for Investment (2016); and National Transport Strategy (2016). The Project is part of the wider Scottish Government commitment, the A9 Dualling Programme, to upgrade the A9 trunk road between Perth and Inverness to dual carriageway standard. The Scottish Ministers, as trunk road authority in terms of the Roads (Scotland) Act 1984, have a duty to keep under review the management and maintenance of the trunk road network in Scotland, ensuring the provision of a safe and efficient national network of roads. The existing A9 between Perth and Inverness comprises primarily of sections of single carriageway interspersed with wide single (2+1) and dual carriageways. The route is subject to a number of constraints that adversely affect traffic conditions and safety, resulting in a high proportion of severe accidents due to driver frustration and the lack of safe overtaking opportunities.

Transport Scotland have identified that the dualling of the A9 between Perth and Inverness would provide a number of opportunities and benefits for businesses, travellers and local communities. In particular A9 Dualling Programme would:

- provide economic benefits to the food and drink, tourism, energy, life sciences and forestry industries;
- reduce journey times between Perth and Inverness by approximately 20 minutes, which would benefit businesses and road users and deliver wider economic benefits;
- improve journey time reliability, enabling road users and businesses to plan predictable trips;
- contribute to local economic performance through improved access to markets, reduced need for stockpiling and better productivity;
- make the surrounding areas more attractive as short-term tourism destinations;
- provide drivers with safe, consistent and reliable driving conditions and lead to improved route resilience and reduce delays during incidents and adverse weather;
- reduce and largely eliminate the conditions that currently lead to high levels of driver stress and frustration;
- offer the opportunity to improve Non-Motorised User (NMU) facilities; and
- contribute to the completion of the dual carriageway network between all of Scotland's cities.

In relation to the Project, key issues affecting the Project between Dalraddy and Slochd are:

- delays due to conflicting demand and interest of road users resulting in increased driver stress;
- a lack of safe overtaking opportunities giving potential for serious accidents; and
- driver stress caused by frustration, fear of potential accidents and uncertainty relating to the route being followed, particularly evident during holiday periods where traffic levels are increased and there are a significant number of road users unfamiliar with the route.

Following a review of evidence the Reporter indicated in their report that they were satisfied that the Project is integral to delivering the overall benefits of the A9 Dualling Programme and without the Project the benefits described above would not be fully realised and the A9 Dualling Programme diminished.

The route alignment of the Project has been chosen after careful consideration of its environmental impacts; which are fully described in the ES and which the Reporter concluded has been prepared in accord with the requirements of the Roads (Scotland) Act 1984 as amended by the Environmental Impact Assessment (Scotland) Regulations 1999, relevant guidance and good practice and that the environmental effects have been thoroughly considered and the assessment process robust. The Reporter also noted that the route alignment has been informed by considerable consultation with statutory consultees, stakeholders and affected parties and that there are no outstanding objections from any of the statutory consultees.

There is a need for the Project; the land identified in the draft Compulsory Purchase order is required to deliver and operate the Project and the Compulsory Purchase Order is necessary and justified. The draft Orders as a whole are necessary to achieve delivery of the proposed scheme. Modifications to the draft Compulsory Purchase Order and draft Side Roads Order reflect discussions with Objectors and other parties affected by the Project.

The Reporter carefully considered the predicted environmental effects, as described in the ES, and found that they have been thoroughly considered and the assessment has been robust. The Reporter was content that Transport Scotland had identified, where practicable, measures to mitigate significant adverse effects. These have either been embedded in the proposed scheme design or are proposed as general or specific mitigation. The Environmental Statement explains where mitigation is not appropriate despite the likely significant effect.

The Reporter noted that any scheme to widen the A9 would have an impact and it is a question of balancing those impacts within the constraints and where practicable, mitigating them. The proposed mitigation would go some way to addressing many of the predicted significant impacts and the Reporter noted it was essential that the Environmental Statement forms part of the construction contract so that the appointed contractor is contractually obliged to deliver the proposed mitigation.

The Reporter considered it inevitable with a project of this nature and scale, that there would be significant noise, vibration and visual impacts during construction. Mitigation had been proposed which in some cases may reduce the impacts to some degree, although the Reporter was not persuaded that overall, all of the effects predicted would be significantly reduced. However these mitigation measures would help to manage the construction process, the expectations of local residents and any complaints which arise. Taking all this together, The Reporter was satisfied that the construction impacts would be temporary, generally localised and short term in nature.

The Reporter noted in the long term, there would be significant residual impacts on both Avielochan Farm and Dalrachney Beag Croft due to the extent of the land take and the changes to their accesses, which may render both of these undertakings unviable. There are no mitigation measures which could be put in place to minimise or avoid these impacts.

The Reporter noted that Non-motorised users would experience longer routes when using several paths due to crossing points being closed. However, they would also benefit from the improvements to existing non-motorised user facilities and the grade separated crossings which would be provided. There would be a significant residual adverse impact on views from the road, associated lay-bys and side roads. However, it is predicted that this would reduce over time as mitigation planting becomes established.

The increase in flood levels at Allt na Fhearna which would impact on agricultural and woodland areas and the Alvie Site of Special Scientific Interest, would have a moderate adverse impact. The Reporter noted this cannot be mitigated due to the indirect impact that any mitigation would have on the Site of Special Scientific Interest.

There would be significant residual adverse impacts on ancient woodland and dry heath zone at Slochd. Mitigation is proposed although the Reporter considered that the loss of ancient woodland could not be compensated for, as these woods cannot be considered replaceable. The loss of woodland on the ancient woodland inventory is a significant residual impact across the A9 dualling programme and is therefore a

significant adverse cumulative impact. As for the dry heath, if the proposals to recreate the habitat are successful that would reduce the extent of the permanent habitat loss from 20.9 hectares to 3.48 hectares including 1.8 hectares of dry heath.

The Reporter observed that there would be a significant adverse visual impact at Broom Cottage where the impact would remain significant due to the close proximity of the proposed Dulnain River crossing along the property boundary. Although there would be no significant residual noise impacts, four properties may qualify for noise insulation.

The residual impact from embodied carbon emissions would be significant. Further if the excavated soils and waste cannot be diverted from a disposal option then there would be a significant impact. Taking account of other schemes, in particular the other A9 dualling projects, cumulatively there would be significant adverse impacts in relation to carbon emissions, natural resources depletion and waste generation.

The proposed scheme has the potential to affect a number of international sites: River Spey Special Area of Conservation; Insh Marshes Special Area of Conservation; River Spey – Insh Marshes Special Protection Area and Ramsar site; Cairngorms Massif Special Protection Area; Abernethy Forest Special Protection Area, Anagach Wood Special Protection Area; Craigmore Woods Special Protection Area; Kinveachy Forest Special Protection Area, Kinveachy Forest Special Area of Conservation; Cairngorms Special Area of Conservation; Cairngorms Special Protection Area; Loch Vaa Special Protection Area; Slochd Special Area of Conservation and the Moray Firth potential Special Protection Area.

Notwithstanding that appropriate assessments have been carried out, in accordance with the Conservation (Nature Habitats, &c.) Regulations 1994 (as amended in Scotland), it is for the Scottish Ministers as the 'competent authority' to undertake the appropriate assessments. The Reporter noted that appropriate assessments should be undertaken by Scottish Ministers.

An Appropriate Assessment completed under The Conservation (Natural Habitats, &c.) Regulations 1994, as amended, was considered and this has concluded that the proposed Project would not result in an adverse effect on site integrity on the River Spey Special Area of Conservation; Insh Marshes Special Area of Conservation; River Spey – Insh Marshes Special Protection Area and Ramsar site; Cairngorms Massif Special Protection Area; Abernethy Forest Special Protection Area, Anagach Wood Special Protection Area; Craigmore Woods Special Protection Area; Kinveachy Forest Special Protection Area, Kinveachy Forest Special Area of Conservation; Cairngorms Special Area of Conservation; Cairngorms Special

Protection Area; Loch Vaa Special Protection Area; Slochd Special Area of Conservation and the Moray Firth potential Special Protection Area.

In consideration of the Environmental Statement and with specific reference to chapter 10 (Geology, Soils and Groundwater); chapter 11 (Road Drainage and the Water Environment); chapter 12 (Ecology and Nature Conservation) chapter 17 (Noise and Vibration); and chapter 21 (Schedule of Environmental Commitments) and their conclusions, the Reporter was satisfied that the extensive mitigation measures proposed would ensure that there would be no adverse effects upon the integrity of the European sites.

The Reporter was satisfied that the decision to opt for southbound widening was a reasonable one. The options were properly and robustly assessed in accordance with the Design Manual for Roads and Bridges, and Transport Scotland had demonstrated in its evidence that none of the other options considered would have less impact overall than the proposed scheme. Northbound widening in particular would have greater impacts on the Craigellachie National Nature Reserve Site of Special Scientific Interest and ancient woodland. The Reporter found that the objections to the alignment did not in her view raise any matters that would justify any refusal to make the orders.

The Reporter recognised that the loss of part of Milton Wood would have an adverse impact on the local community. In accepting that the residual impact on Milton Wood would not be significant, she reached that view partly because Horse Field would be acquired and safeguarded for public use to offset the loss of the wood. The Reporter considered that the acquisition of that land as compensatory open space is justified and necessary in order to mitigate the impact on Milton Wood and on the local community who value it. Therefore, the Reporter recommend that the Scottish Ministers grant the open space certificate in this regard when the Orders are made.

Further, the Reporter recommended that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to accommodate the Trunk Road water main within the land to be acquired for the proposed scheme in terms of the compulsory purchase order to avoid any further significant impact on Milton Wood, to ensure that it remains a functional green space with Horse Field for the local community to enjoy.

Although the proposed scheme would not provide a non-motorised user facility between Aviemore and Carrbridge, the opportunity to incorporate this within the proposed scheme was properly assessed by Transport Scotland. The Reporter was satisfied that it would not have been appropriate to include this within the proposed scheme and found that the objections made on this ground, all of which are non-

statutory objections, did not raise any matters that would justify any refusal to make the orders. The Reporter welcome the commitment from Transport Scotland to the Cairngorms National Park Authority to progress this matter separately to the proposed scheme.

The Reporter found that none of the remaining objections raised any matter that would justify refusing the orders. However, in respect of some of the matters raised the Reporter considered it appropriate for Transport Scotland to continue to consider these through the detailed design process, when the orders are made.

Accordingly, The Reporter recommended that, when the orders are made, the Scottish Ministers give consideration to instructing Transport Scotland to continue to assess whether temporary plant protection shelters are required in the Slochd area; to engage with the owner of March Cottage in relation to the proposed mixed planting mitigation and the design of the noise barrier; and to engage with the owner of Avielochan Farm in relation to a schedule of accommodation works.

The Reporter noted that the adverse impacts of the proposed scheme need to be balanced against the wider benefits that the proposed scheme would deliver. There is a range of benefits predicted in the Environmental Statement. There would be safety benefits for both vehicle travellers on the A9 and for non-motorised users needing to cross the A9. In addition, there would be a reduction in driver stress as the proposed scheme would improve opportunities for overtaking which would reduce journey times and frustration.

The Reporter concluded that there was a clear justification for the proposed scheme; that the land identified in the compulsory purchase order is necessary to construct and operate the proposed scheme; that the compulsory purchase order is justified in the public interest and that the orders, taken together, are necessary to achieve the delivery of the proposed scheme.

The Scottish Ministers have also carefully considered the representations from consultees, objections to the orders and the evidence produced at the PLI and accepted in their entirety the findings, reasoned conclusions and recommendations contained in the Reporters Report to Scottish Ministers, in addition to the conclusion of the ES, and have decided the Orders should be made with modifications to the draft Side Roads Order and Compulsory Purchase Order, in order to create a high-quality dual carriageway along approximately 25 km of the A9 between Dalraddy and Slochd.

- The A9 and A95 Trunk Roads (Dalraddy to Slochd) Compulsory Purchase Order 2024, including modifications to CPO plots 1029, 1030, 1031, 1034,

1035, 1036b, 1037, 1038, 1039, 1624a, 1624c, 1624e, 1624g, 1624i, and 1626;

- The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Trunking) Order 2024;
- The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Side Roads) Order 2024, as modified;
- The A9 Trunk Road (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024.

5. Public participation in decision making

To ensure that the public had the opportunity to participate in the decision-making procedures, arrangements included landowner consultation throughout the assessment process which informed the Project design, public exhibitions in Aviemore and Carrbridge, and exhibition materials including fly-through videos on the Project's [Community Engagement](#) section of Transport Scotland website.

Information gathered through landowner consultation has also been utilised in the land use assessment in Chapter 8 of the ES (People and Communities: Community and Private Assets). The assessment work for the proposed Project also included a rolling programme of regular engagement with local communities and other stakeholders, which started with public exhibitions held in February 2016. The route option assessment (DMRB Stage 2 assessment) culminated in public exhibitions in March 2017 to present the preferred route option for the Project.

Section 9 (Consultation) of this report includes details of consultations undertaken during design development of the Project and during periods of statutory consultation. Section 9 also details how public participation was facilitated through the PLI.

Notices in respect of the ES, draft Compulsory Purchase Orders, Trunking and Side Roads Orders and Extinguishment of Public Rights of Way Order were published in the Edinburgh Gazette on 28 August 2018 and are available on the [Transport Scotland website](#). These notices intimated a statutory consultation period of six weeks ending on 9 October 2018.

Transport Scotland published notice of the ES on 28 August 2018. The notice included the following:

- that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
- the proposed location and nature of the project;
- that the project is subject to EIA;

- that a copy of the ES is available for viewing on the Transport Scotland website; and
- that copies of the ES can be obtained by writing to Transport Scotland at a charge of £250 for a hard copy or £10 for the DVD format. Requests for further information about the project may be sent to Transport Scotland.
- that any person wishing to make representations about the project and the EIA could have done so by email to Transport Scotland stating the title of the scheme and the grounds of objection and that any such notice must have been received on or before 9 October 2018; and
- that the Scottish Ministers would take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

Objections received from affected parties including members of the public and businesses were in some instances able to be resolved and objections were withdrawn. In other cases, objections remained extant and the Reporter considered the objections together with other written representations.

Table 1 below lists the parties from whom objections were received.

Table 1 – List of Objections

Objections	
001 Iain Brodie of Falsyde	023 Mr Stuart Davies and Ms Gwenda Diack
002 Kinrara Estate Partnership	024 Jacqueline Rice
003 D S Fletcher	025 Mr David A Lyle
004 Colin Michael Cockerell	026 Cairngorms National Park Authority
005 Iain Morrison Miller and Helen Louise Miller	027 Strathdearn Community Council
006 Christopher Jan Helik and Ekaterina Helik	028 The Highland Council
007 High Range Developments Limited and Ferdinando Vastano	029 Ms Denise Stott
008 Macdonald Aviemore Highland Resort Limited	030 Iain and Alison Campbell – South Snadon Ltd
009 Macdonald Hotels Aviemore Development Limited	031 Ronald McGregor Grant
010 Aviemore and Vicinity Community Council	032 William Neilson
	033 (1) The Rt Hon Ian Derek Francis Ogilvie-Grant, Earl of Seafield, and (2) the firm of Seafield Rural

Objections	
011 Raymond Courtney	034 The Rt Hon Ian Derek Francis Ogilvy-Grant, Earl of Seafield, The Honourable James Andrew Ogilvie-Grant, Viscount Reidhaven, David Henry Houldsworth and David John Carmichael MacRobert as trustees of The Reidhaven Trust
012 Anne Courtney	035 Mr Ewan Buxton and Ms Louise de Raad
013 John Talbot	036 Mr Stuart Dickson
014 Janis Bootle	037 Victor Sandilands
015 Roger Anderson and Deborah Johnston	038 Kathleen Sandilands
016 Alison and Andrew Allan	039 Victor Ewen Sandilands
017 Anne Stewart	040 Scottish Natural Heritage
018 Douglas Graham	041 Scottish Environment Protection Agency
019 Nick Kempe	042 Network Rail Infrastructure Limited
020 Badenoch and Strathspey Ramblers - Mrs Marian Burrows-Smith	
021 Boat of Garten and Vicinity Community Council	
022 Carrbridge & Vicinity Community Council	

6. Summary of the Environmental Assessment in ES

As noted above in this Record of Decision, an Environmental Statement for this Project was published on 28 August 2018.

The ES Chapter 22 (Summary of Significant Residual Impacts) details the residual impacts (Tables 22.1, 22.2, 22.3, 22.4, 22.5, 22.6, 22.7 and 22.8) that have been assessed to arise from construction and operation of the Project, after implementation of the mitigation set out in Chapters 8 to 20 (where applicable) and as set out in Chapter 21 (Schedule of Environmental Commitments).

The assessment of environmental factors reported in the ES found that there were no significant adverse residual effects for:

- Geology, Soils and Groundwater (Chapter 10);
- Cultural Heritage (Chapter 15); and
- Air Quality (Chapter 16).

As identified in Chapter 22 Table 22-1 to 22.8 of the ES, significant residual effects (adverse) are assessed for:

- People and Communities: Community and Private Assets (Chapter 8)
- People and Communities: Effects on All Travellers (Chapter 9)
- Road Drainage and the Water Environment (Chapter 11)
- Ecology and Nature Conservation (Chapter 12);
- Landscape (Chapter 13);
- Visual (Chapter 14);
- Noise and Vibration (Chapter 17); and
- Materials (Chapter 18).

Potential adverse cumulative impacts are reported in the chapter on Cumulative Impacts (Chapter 20).

As identified in Chapter 22 Table 22-3 and 22.4 of the ES, residual significant (beneficial) effects are predicted in relation to:

- Road Drainage and the Water Environment (Chapter 11); and,
- Ecology and Nature Conservation (Chapter 12).

No other significant adverse or beneficial effects are predicted or reported in the ES as a result of the Project.

Chapter 22 (Summary of Significant Residual Impacts) Table 22.1 to 22.8 of the ES, predicted significant residual impacts (adverse) in relation to:

- Land-take and accessibility impacts on residential land and property; development land; and agricultural, forestry and sporting interests as reported in Chapter 8 (People and Communities, Community and Private Assets).
- Construction and operational impact on users of NCN7 / Other NMU Routes as reported in Chapter 9 (People and Communities – Effects on All Travellers)
- Construction pollution impact on water quality and biodiversity attributes for Allt-na-Criche (Lynwilg), River Dulnain and Allt nan Ceatharnach (Allt Ruighe Magaig) and increase flood risk at Allt an Fhearna as reported in Chapter 11 (Road Drainage and the Water Environment)
- Loss of 77.2 ha of habitat designated as ancient woodland and loss of 20.9 ha of habitat from the dry heath zone as reported in Chapter 12 (Ecology and Nature Conservation);
- Impacts on the local landscape character at Badnoch – Loch Alvie to Inverdrue, Slochd and Inverdrue to Pityoulish as reported in Chapter 13 (Landscape);

- Visual Impacts during construction for nineteen properties/viewpoints and one property during the operational phase as reported in Chapter 14 (Visual);
- Noise and Vibration operational phase impacts on three dwellings in Carrbridge (in the short-term only) and operation phase impacts at two ecological receptors (in the short term only) as reported in Chapter 17 (Noise and Vibration); and
- Impact from Carbon Emissions as reported in Chapter 18 (Materials)
- Type 1 (intra-project) cumulative impacts comprising travel disruption and visual effects on Druim Mhor, Lynwilg Farm, Kinakyle, Birch View, March Cottage and Kinmundy during the construction phase.as reported in Chapter 20 (Cumulative Impacts).
- Type 2 (inter-project) cumulative impacts include the loss of woodland on the Ancient Woodland Inventory (AWI) and carbon emissions, natural resources depletion and waste generation during construction as reported in Chapter 20 (Cumulative Impacts).

The policy assessment conducted as part of the EIA process considered the proposed Project's compliance with national and local policy as reported in ES Chapter 19 (Policies and Plans) and Appendix 19.1 (Policy Compliance). This assessment concludes that overall, the Proposed Scheme performs very well against the planning policy framework. This is achieved in the most part through full compliance with planning policies and the efforts made to meet policy objectives. Compliance with other policies is achieved through the significant public benefits of the A9 dualling demonstrably outweighing any residual impact. A schedule of committed mitigation measures can be found in Chapter 21, and these mitigation measures will be location specific to ensure compliance with a range of relevant policies.

The Reporter, in Chapter 2 of her report, has summarised and considered the predicted environmental effects of the Project as reported in the ES and in doing so has also considered the adequacy of the proposed mitigation measures, particularly those required to alleviate the concerns of Objectors. The Reporter considers that the environmental effects of the Project have been thoroughly assessed in accord with all relevant regulations, guidance and good practice. The Reporter specifically states that she is satisfied that the ES has been prepared in accord with the requirements of the Roads (Scotland) Act 1984 and the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended), relevant guidance and good practice, that the environmental effects have been thoroughly considered and the assessment process is robust.

7. Other Information

The Project has the potential to affect the habitats of protected species, including European Protected Species (EPS). NatureScot have confirmed that Transport Scotland will need to apply for the relevant permits and licences with regards to any protected species affected by the Project.

The environmental mitigation measures detailed in Chapter 21 (Schedule of Environmental Commitments) of the ES include that the contractor will prepare a Construction Environmental Management Plan (CEMP) that will include, but not be limited to, subsidiary plans relating to: agricultural soils, geology and land contamination; surface water and groundwater (including a Flood Response and Pollution Incident Response Plan); ecology (including specific Species and Habitat Management Plans); landscape, cultural heritage, air quality and noise and vibration.

Chapter 21 (Schedule of Environmental Commitments) of the ES also states that an Environmental Coordinator and team of suitably qualified Environmental Clerk of Works (EnvCoW) (i.e., professionally qualified in a relevant environmental discipline) will be appointed by the Contractor. The EnvCoW(s) will report to the Environmental Coordinator and be present on site, as required, during the construction period to monitor the implementation of the mitigation measures identified and ensure that activities are carried out in such a manner to prevent or reduce impacts on the environment.

Compliance with the Water Framework Directive (WFD) has been assessed under the Water Environment (Controlled Activities) (Scotland) Regulations 2013 (as amended) (CAR) (Scottish Government, 2013) and regulated through the CAR licencing process with SEPA.

Chapter 21 (Schedule of Environmental Commitments) of the ES states that in relation to authorisations under CAR, the Contractor will be required to provide a detailed Construction Method Statement which will include proposed mitigation measures for specific activities including any requirements identified through the pre-CAR application consultation process.

No marine licensable activities are associated with the proposed Project.

No listed building consents are associated with the proposed Project.

No scheduled monument consents are associated with the Project.

8. Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) screening was undertaken which determined that the proposed Project had potential to result in 'likely significant effects' on the qualifying interests of Natura 2000 sites including River Spey SAC, Insh Marshes SAC, River Spey - Insh Marshes Ramsar site, Abernethy Forest SPA, Anagach Wood SPA, Craigmore Woods SPA, Kinveachy Forest SPA, Cairngorms SPA and SAC and Loch Vaa SPA. It concluded the need for an appropriate assessment and that various mitigation measures could resolve the likely significant effects. Scottish Natural Heritage (now NatureScot) accepted and agreed with these conclusions.

The Scottish Ministers have carried out an Appropriate Assessment under the terms of The Conservation (Natural Habitats, etc.) Regulations 1994, as amended. The Appropriate Assessment concluded on 6 November 2018 that the proposed Project would not result in an adverse effect on site integrity on the River Spey SAC, Insh Marshes SAC, River Spey - Insh Marshes Ramsar site, Abernethy Forest SPA, Anagach Wood SPA, Craigmore Woods SPA, Kinveachy Forest SPA, Cairngorms SPA and SAC and Loch Vaa SPA.

9. Results of Consultation and information gathered

During the preparation of the ES, consultation activities were undertaken with statutory consultees, other relevant bodies/organisations, and members of the public. [Chapter 7 \(Consultation\)](#) of the ES details the consultation undertaken.

The A9 Dualling Programme Environmental Steering Group (ESG), was established in 2014 and formed of representatives of Statutory stakeholders including NatureScot, Cairngorms National Park Authority (CNPA), Historic Environment Scotland (HES), Scottish Environment Protection Agency (SEPA), Perth and Kinross Council (PKC) and The Highland Council (THC). The ESG provided feedback throughout the route selection and EIA process and continue to meet on a regular basis.

Other consultations were held with non-statutory stakeholders, community councils, landowners and through public exhibitions and drop-in sessions.

A summary of relevant environmental issues raised and how these have been taken into account is provided in the ES, [Appendix A7.1 \(Summary of Environmental Consultation Responses\)](#).

Public Exhibitions for the A9 Dualling Dalraddy to Slochd project to support the publication of the ES and the Draft Orders were held in Aviemore Community Centre

on Thursday 20 September 2018 and Carrbridge Village Hall on Friday 21 September 2018. The information presented at the public exhibitions can be viewed at the A9 Dalraddy to Slochd Community Engagement section of the [Transport Scotland website](#).

A total of forty-two objections to the draft Orders were lodged, twenty-one of which were considered statutory objections that required the holding of a Public Local Inquiry (PLI) to consider these objections. A pre-inquiry meeting was held on 3 December 2019 by the Reporter, to consider the arrangements and procedures for the inquiry. Whilst most of the objectors chose to rest on their original objections or further written representations, some objectors wished their evidence to be heard through oral procedure.

It was confirmed by the Reporter that three inquiry sessions and one hearing session would be held in respect of these objections to the proposed scheme. However, prior to these oral sessions, all of those objectors intending to take part in these sessions withdrew their objections in full. The oral procedures which had been scheduled for 6 and 10-13 March 2020 were therefore cancelled by the Reporter.

Meanwhile, three statutory objectors contacted the Scottish Government's Planning and Environmental Appeals Division (DPEA) directly on 19 February 2020 requesting to take part in the inquiry process. The Reporter therefore held a further pre-inquiry meeting on 9 March 2020 at which it was confirmed that two inquiry sessions and one hearing session would be held in respect of these objectors. However, all of these objectors subsequently withdrew their objections. The inquiry was therefore no longer required and was cancelled by the Reporter on 9 June 2020.

Information and documents submitted for the cancelled Public Local Inquiry documents can be accessed at [DPEA - PLI Documents](#)

A number of objectors to the proposed scheme considered that northbound or symmetrical widening as it passes Aviemore would have a lesser impact on Aviemore, and the southbound widening would have a greater impact on Milton Wood, the Aviemore orbital path and the Scottish Water trunk main. The Reporter considered the original written objections and any further written submissions and concluded that throughout the process there was considerable consultation with a range of stakeholders both in relation to the design options and the environmental impact assessment. She was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. She further concluded the vast majority of Milton Wood would remain and would continue to function as a community green space with the Orbital

path being unaffected. The Reporter finally noted that even with northbound widening the vast majority of the Scottish Water trunk main would still require to be diverted including the section adjacent to Milton Wood and was encouraged that it was technically possible for the water main to be diverted within the land that was being acquired for the proposed scheme. The Reporter recommended that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further impact on Milton wood.

The following sections detail how public participation in the decision making for the Project has been undertaken.

i. Objections Resolved and Withdrawn

Statutory

- **Kinrara Estate Partnership (002):** A statutory objection to the Project was submitted on 5 October 2018. The objection related to a new means of access being provided and the existing track being left when complete. Transport Scotland responded to the matters of objection, and agreed to remove the surface of the redundant track by means of accommodation works. Kinrara Estate Partnership withdrew their objection to the Project on 18 July 2019.
- **Mr DS Fletcher CBE (003):** A statutory objection to the Project was submitted on 5 October 2018. The objection related to the length of surfaced access track being provided. Transport Scotland responded to the matters of objection, and agreed to extend the surface track by means of accommodation works. Mr DS Fletcher CBE withdrew their objection on 4 March 2019.
- **Cairngorms National Park Authority (026):** A statutory objection to the Project was submitted on 8 October 2018. The objection related to the provision of NMU between Aviemore and Carrbridge. Transport Scotland responded to the matters of objection, noting the design study for a segregated NMU link between Aviemore and Carrbridge. Cairngorms National Park Authority withdrew their objection on 10 March 2020.
- **The Highland Council (028):** A statutory objection to the Project was submitted on 4 October 2018. The objection was concerned with NMU provision on the scheme and lack of a dedicated facility between Aviemore and Carrbridge. Following discussions and clarifications that a design study for a segregated NMU link between Aviemore and Carrbridge would be progressed Highland Council withdrew their objection on 21 May 2020.
- **(1) The Rt Hon Ian Derek Francis Ogilvie-Grant, Earl of Seafield, and (2) the firm of Seafield Rural (033):** A statutory objection to the Project was submitted on 9 October 2018. The objection related to the Compulsory Purchase Order, land take, Side Road Orders, Construction Impacts, loss of development opportunities, Compensatory Planting and the EIA. Transport Scotland responded to the matters of objection, and in consultation with the Estate an

Undertaking was concluded which commits to reasonably consider access and management issues as well as an offer to return surplus land and provide servitude rights of access to the Estate following construction of the Project. The Earl of Seafield and the firm of Seafield Rural withdrew their objection to the Project on 4 March 2020.

- **The Rt Hon Ian Derek Francis Ogilvy-Grant, Earl of Seafield, The Honourable James Andrew Ogilvie-Grant, Viscount Reidhaven, David Henry Houldsworth and David John Carmichael MacRobert as trustees of The Reidhaven Trust (034):** A statutory objection to the Project was submitted on 9 October 2018. The objection related to the Compulsory Purchase Order, land take, Side Road Orders, Construction Impacts, loss of development opportunities, Compensatory Planting and the EIA. Transport Scotland responded to the matters of objection, and in consultation with the Estate an Undertaking was concluded which commits to reasonably consider access and management issues as well as an offer to return surplus land and provide servitude rights of access to the Estate following construction of the Project. The Earl of Seafield and the firm of Seafield Rural withdrew their objection to the Project on 4 March 2020.
- **Mr Ewan Buxton and Ms Louise de Raad (035):** A statutory objection to the Project was submitted on 8 October 2018. The objection related to the extent of land being acquired adjacent to their property. Following further discussion and clarification the objection was withdrawn on 7 June 2020.
- **Mr Stuart Dickson (036):** A statutory objection to the Project was submitted on 28 September 2018. The objection related to concerns with road safety and their access to the A938 and possible increase in traffic. Further discussion and explanation on traffic flows and improvements of road safety was concluded and the objection was withdrawn on 2 June 2020.
- **Scottish Natural Heritage (SNH) (040):** A statutory objection to the Project was submitted on 9 October 2018. The objection related to possible effects on natural heritage areas of national and international interest. Transport Scotland responded to the matters of objection and forwarded a copy of the HRA, in review SNH withdrew their objection on 19 December 2018.
- **Scottish Environment Protection Agency (SEPA) (041):** A statutory objection to the Project was submitted on 9 October 2018. The objection was concerned with flood risk, watercourse crossing, and Land made available for the scheme and surface water treatment levels. Following further discussion and clarifications SEPA withdrew their objection on 10 October 2019.

- **Network Rail Infrastructure Limited (042):** A statutory objection to the Project was submitted on 4 October 2018. The objection related to adverse effects on operational railway land and servitude rights on/over/under the railway being acquired without full internal Network Rail consultations being undertaken. Following further discussion and conclusion of Network Rail internal processes, an agreement was concluded with Network Rail and their objection to the Project was withdrawn on 23 January 2020.

Non-Statutory

- **Badenoch and Strathspey Ramblers - Mrs Marian Burrows-Smith (020):** A non-statutory objection to the Project was submitted on 24 September 2018. The objection related to a need to incorporate an NMU route between Dalraddy and Slochd and provision of facilities to Carrbridge. Transport Scotland responded to the matters of objection, outlined the NMU provisions being proposed and noted the design study for an NMU link between Aviemore and Carrbridge. Mrs Marian Burrows-Smith, on behalf of Badenoch and Strathspey Ramblers withdrew the objection on 29 April 2019.
- **Boat of Garten and Vicinity Community Council (021):** A non-statutory objection to the Project was submitted on 2 October 2018. The objection related to the provision for non-motorised users of the route being insufficient with a proposal for a proper off-road cycle route away from the edge of the A9 and linking the three communities (Aviemore, Boat of Garten and Carrbridge). Transport Scotland responded to the matters of objection, noting the design study for a segregated NMU link between Aviemore and Carrbridge. Boat of Garten and Vicinity Community Council withdrew the objection on 12 March 2020.
- **Carrbridge & Vicinity Community Council (022):** A non-statutory objection to the Project was submitted on 3 October 2018. The objection related to the non-provision of a suitable NMU along the corridor of the proposed dualling beside the existing route via Kinveachy. Transport Scotland responded to the matters of objection, noting the design study for a segregated NMU link between Aviemore and Carrbridge. Carrbridge and Vicinity Community Council withdrew the objection on 27 April 2019.
- **Mr Stuart Davies and Ms Gwenda Diack (023):** A non-statutory objection to the Project was submitted on 7 October 2018. The objection related to the non-provision of a suitable NMU from Carrbridge to Aviemore. Transport Scotland responded to the matters

of objection, noting the design study for a segregated NMU link between Aviemore and Carrbridge. Mr Stuart Davies and Ms Gwenda Diack withdrew their objection on 21 May 2020.

- **Mr David A Lyle (025):** A non-statutory objection to the Project was submitted on 22 September 2018. The objection related to the non-provision for walkers over the A9 at the General Wade's Military Road by Etteridge. Transport Scotland responded noting that the location was outside the extents of the Dalraddy to Slochd project but provided comments in relation to separate studies. Mr David A Lyle withdrew the objection on 10 January 2019.
- **Ms Denise Stott (029):** A non-statutory objection to the Project was submitted on 4 October 2018. The objection related to the non-provision of a cycle path or additional space for any future development. Transport Scotland responded to the matters of objection, outlined the NMU provisions being proposed and noted the design study for an NMU link between Aviemore and Carrbridge. Denise Stott withdrew the objection on 18 March 2020.

ii. **Extant Objection (Statutory): Mr Colin Michael Cockerell (004)**

A Statutory objection was submitted on 8 October 2018 with concerns on the effects on his house, March Cottage, on Grampian Road. In particular his direct access from the A9 would be extinguished and the proposed scheme would bring the road extremely close to his property. Concerns were also made regarding the proposed new underpass for the access from the B9152. There would also be a significant adverse impact on the residential amenity of his property due to noise, vibration and visual impacts both during construction and operation. The impact would be permanent and irretrievable. The proposed mitigation was insufficient. Overall, the impact of the compulsory purchase order was unacceptable and disproportionate and constituted a breach of his human rights. He requested an advance purchase of his property. Transport Scotland provided a response to the objection noting access to March Cottage had been safeguarded by the side roads order. The new underpass, together with improvements to the existing alignment and profile of the road and the provision of a service bay, would improve the existing access. The impacts of the proposed scheme have been appropriately assessed as reported in the Environmental Statement. The new road would be closer to the property but, after mitigation including a noise barrier and planting, none of the impacts either during construction or operation are predicted to be significant and are within reasonable levels. In any event the construction impacts generally would be localised and temporary in nature. There would be no infringement of his human

rights. As no significant impacts are predicted and no part of the property requires to be acquired there is no justification for the purchase of the property. However, the property may qualify for noise insulation. The Reporter noted that objector would still have access from the B9152 albeit direct access from the A9 was extinguished and considered that the new underpass, together with the creation of a service bay and realignment and regrading of the existing road would be an improvement on the current situation. Any increase in headroom would have consequential impacts. The Reporter noted that impacts on noise, vibration and visual effects during construction may not be significantly reduced but would be temporary and localised. Primarily due to the noise barrier that Transport Scotland has committed to install, the Reporter accepted that there would be no significant noise impacts during operation as the predicted increases in noise would be below perceptible levels. The Reporter acknowledged the visual impacts of the noise barrier and recommended the Scottish Ministers give consideration to instructing Transport Scotland to engage with the objector on the proposed planting and design of the barrier. The Reporter agreed that the impacts of the proposed scheme had been appropriately and robustly assessed that the CPO is proportionate and in the public interest and that there would be no breach of the objectors human rights. The Reporter concluded that an advance purchase would not be justified or necessary and given the commitments in the ES and the terms of the side roads order no further undertakings are necessary.

iii. Extant Objection (Statutory): Mr Iain Morrison Miller and Mrs Helen Louise Miller (005) and Mr Christopher Jan Helik and Mrs Ekaterina Helik (006)

Statutory objections were submitted on 4 October 2019 (Obj 005) and 3 October 2019 (Obj 004) concerning the effects on their individual properties Lagavulin and Kinmundy, which are on Grampian Road. As the dual carriageway would be closer to their properties there would be noise, light, dust and other physical effects which would have a significant effect on the enjoyment of their properties. They also have concerns about the proposed replacement underpass and the disruption during construction seeking various undertakings from Transport Scotland. Transport Scotland provided a response to the individual objections noting it was in the public interest to close the existing direct access to the A9 and that access to their properties would be maintained at all times during construction. The new underpass, together with improvements to the existing alignment and profile of the road and the provision of a service bay, would improve the existing access. After mitigation, including woodland planting, no significant residual impacts are predicted in the long term. Where committed mitigation measures have been identified in the Environmental Statement, the appointed contractor would be contractually obliged to implement them. The Reporter accepted Transport Scotland's need to close the

direct access and the objectors would still have access to their property and benefit from improvements to the underpass, including an undertaking to use natural stone treatment. The Reporter noted that impacts on noise, vibration and visual effects during construction would be significant but temporary and localised, and also acknowledged commitments within the ES and the construction phasing proposals. The Reporter was satisfied there would be no significant noise impact during operation. The Reporter also noted, from email correspondence, that Mr Miller had withdrawn his objection on the understanding that the underpass received stone treatment and access was maintained during construction.

iv. Extant Objection (Statutory): High Range Developments Limited and Mr Ferdinando Vastano (007)

A Statutory objection was submitted on 9 October 2018 concerning the effects on High Range House and High Range caravan park. The objection noted that the proposed scheme would bring the A9 closer to these properties. This would affect their amenity due to the loss of existing mature trees, the increase in noise levels, impact of fumes and loss of privacy. The impact on the caravan park may result in parts of it being less attractive. Northbound widening should be adopted to minimise the impacts. Transport Scotland provided a response to the objection. Although the road would be closer and higher when compared to the present situation, no significant impacts in respect of noise and air quality are predicted. Some of the existing vegetation and trees would require to be removed. However, taking into account the mixed woodland planting mitigation, once established, there would be no significant residual impacts. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme. The Reporter concluded that southbound widening had less significant impacts. The Reporter was also satisfied that there would be no significant residual impacts on the properties in relation to noise or air quality nor any significant residual visual impact by year 15.

v. Extant Objection (Statutory): Macdonald Aviemore Highland Resort Limited (008) and Macdonald Hotels Aviemore Development Limited (009)

Statutory objections were submitted individually on 5 October 2018 noting effects on the existing hotel due to increased traffic noise and vibration and loss of amenity. The proposed scheme would also adversely affect its future development proposals as indicated in the Aviemore Resort masterplan. Northbound widening should be

adopted. There is ample land to the west to facilitate this without affecting the resort or the designated Site of Special Scientific Interest. Transport Scotland provided a response to the objections observing there may be significant impacts during construction however these generally would be localised and temporary in nature and would be adequately mitigated. The noise impacts are not significant and are below the threshold where specific mitigation would be required. The objectors' masterplan has no formal status within the planning process. Nevertheless, regard was had to it and where practicable the design was refined to mitigate the impacts. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme. The Reporter concluded that southbound widening had less significant impacts. The Reporter acknowledged significant noise and vibration impacts during construction though these would be temporary and localised and also accepted that there would be no significant noise impact from the operation of the proposed scheme. The amenity of the resort would be largely retained particularly in the long term due to retained woodland and new planting.

vi. Extant Objection (Statutory): Mr Iain and Mrs Alison Campbell - South Snadon Ltd (030)

A Statutory objection was submitted on 8 October 2018 noting the objectors' concerns due to the impact that the construction of the proposed scheme would have on their property particularly their access. They are also concerned about the noise, vibration and visual impacts during and after construction as well as the impact of the proposed drainage pond which would be located adjacent to their property. Transport Scotland provided a response to the objection. Access would be retained during the construction period albeit with some short-term closures. After mitigation no significant impacts are predicted. There may be a slight moderate visual impact during construction however this is not considered to be significant. By the summer 15 years after opening, the visual impact would have reduced to negligible adverse. The change in noise would be below perceptible levels. All drainage would comply with national standards and regulations. The drainage pond would comply with the commitments in the Environmental Statement and Transport Scotland's contract requirements, as well as the requirements of the Scottish Environment Protection Agency and The Highland Council. The Reporter noted mitigation measures were contained in the Environmental Statement, including the obligation to notify occupiers in advance which should enable the objectors to manage their business and the expectations of guests and was satisfied that the impact on the local residents would be mitigated in so far as practicable. The reported agreed that the assessment in the Environmental Statement is reasonable and that there would be no significant visual impact either in the short or long term.

The Reporter also accepted that there would be no perceptible increase in noise during operation. The Reporter did not consider that the drainage pond would have a significant impact on the objectors' property or amenity.

vii. Extant Objection (Statutory): Mr Ronald McGregor Grant (03 I)

A Statutory objection was submitted on 8 October 2018 noting the objectors' concerns due to the effects on Avielochan Farm. He is concerned that due to the extent and nature of the land take, which would result in direct and indirect loss of land, and the changes to the accesses, the farm would be rendered unviable. He also has concerns about the new public right of way that would be constructed over his farm to replace existing rights that would be lost. The proposed scheme may impact on his field drainage and give rise to additional drainage issues. As the carriageway would be closer there would be increased noise and physical impacts which may also have an impact on the holiday lets that he operates in this area. He seeks confirmation that the proposed scheme complies with the guidelines published by the World Health Organisation. Transport Scotland has submitted a written submission in response to the objection. It is accepted that there would be significant impacts on Avielochan Farm which may render the farm unviable. The design has been refined to try to minimise the impact, however due to the need to locate drainage features in this area as this is the low point topographically, the residual impacts could not be reasonably avoided. Steps have been taken to alleviate the objector's concerns insofar as possible. There would be no significant impacts on the holiday lets. The Reporter was content that Transport Scotland has taken steps to minimise the impacts during the design development in so far as it can but due to the need for ponds at the location the residual impacts on the farm would be inevitable. The Reporter was however satisfied that there would no significant residual impacts on the holiday cottages given their location and their access arrangements. The Reporter consider that the mitigation measures identified in the Environmental Statement in relation to drainage would adequately address the objector's concerns regarding his field drainage and the proposed scheme drainage. In relation to noise the Reporter was satisfied that the noise assessment provides sufficient information about the predicted operational noise impacts of the proposed scheme and the appropriate noise mitigation. It has regard to World Health Organisation guidance relevant at the time it was carried out as well as the Design Manual for Roads and Bridges guidance. Given the extent and location of the land take and the changes to the accesses and movements around the farm, the Reporter agreed that there would be a significant impact on Avielochan Farm which may render it unviable. Further steps by way of accommodation works could be taken to further mitigate the impacts and to allow the farm to continue to be viable. The Reporter recommended to

Scottish Ministers that it instructs Transport Scotland to continue to engage with the objector in relation to a schedule of accommodation works.

viii. Extant Objection (Statutory): Mr William Neilson (032)

A Statutory objection was submitted on 7 October 2018 noting concern in relation to the effect of the proposed scheme on the access arrangements to his property. Transport Scotland provided a response to the objection. There would be three new accesses that connect into the access track network leading to the objector's land. These are: an underbridge at Kinveachy to connect to the B9153; a left in/left out access north of Kinveachy to the proposed northbound carriageway of the A9; and an underbridge at Lethendry to a left in/left out access north of Kinveachy to the proposed southbound carriageway of the A9. The objector's assumed access rights have been safeguarded by way of the side roads order. The Reporter agreed that by way of the side roads order, the objectors prescribed rights would be safeguarded as alternative accesses would be provided.

ix. Extant Objection (Statutory): Mr Victor Sandilands (037), Mrs Kathleen Sandilands (038) and Mr Victor Ewen Sandilands (039)

Statutory objections were submitted on 21 September 2018 in which the objections were raised in respect of the new left in/left out lane at Slochd junction and the upgrading of the U2400 side road. This junction should be closed to stop rat running in the area. Victor Sandilands also noted concern that the proposed soak pits/basins may contaminate the new borehole for his private water supply. Transport Scotland responded into the individual objections. Alternative proposals were considered at Slochd including the closure of the junction. This was discounted for technical reasons. The proposed option would minimise the interaction with the Highland mainline railway and would result in reduced disturbance to the local road network and to National Cycle Network Route 7 during construction. The private water supply has been identified and assessed in the Environmental Statement and specific mitigation measures have been proposed. The Reporter was content that the mitigation measures are sufficient to minimise disruption to a borehole supply and that the decision reached by Transport Scotland to opt for a left in/left out junction after consideration of the alternatives was a reasonable one.

x. Extant Objection (Non-Statutory): Mr Iain Brodie of Falsyde (001)

A Non-Statutory objection was submitted on 25 September 2018 raising various concerns about planting, cultural heritage and aesthetic issues. In particular concerns were made about the proposed landscape planting and mitigation in the Slochd area, the impact on 'wolf stone' and the impact on a former wolf den. Transport Scotland issued a response addressing each aspect of the objection providing an explanation for the reasons behind planting, its maintenance and the assessment of the wolf stone within the ES. The Reporter was satisfied that Transport Scotland had explained its strategic landscape design principles and how and where the planting species would be sourced and accepted that Transport Scotland had given due regard to the 'Wolf stone' and wolf den within the assessment.

xi. Extant Objection (Non-Statutory): Aviemore and Vicinity Community Council (010)

A Non-Statutory objection was submitted on 27 September 2018. The objection concerned the effects that southbound widening would have on Aviemore particularly Milton Wood and the Aviemore orbital path. They are concerned about the impact on the Scottish Water trunk main. The location of the proposed southbound lay-by is also not acceptable. Northbound widening should have been adopted. There is also a lack of a direct non-motorised user facility between Aviemore and Carrbridge. Transport Scotland provided a response to the objection. The Aviemore orbital path would not be impacted, and compensatory land would be acquired to mitigate the impact on Milton Wood. The Scottish Water trunk main would require to be realigned whichever option was taken forward. There is already a link between Aviemore and Carrbridge which would not be affected by the proposed scheme. In accordance with the proposed scheme's objectives, a direct link has been considered and assessed as an opportunity. However, this would result in additional impacts and would require additional land acquisition. The provision of such a link would not be necessary mitigation and therefore Transport Scotland could not use its compulsory purchase powers to deliver this. However, Transport Scotland has made commitments to progress a non-motorised user link between Aviemore and Carrbridge separately from the proposed scheme. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter noted the Orbital path would not be affected; would not require to be diverted or moved and although the road would be closer to the orbital path, no significant noise or visual impacts are predicted.

Further with mitigation planting and the improvements to the underpasses and non-motorised user paths in the area which link to the Orbital path, there would be benefits for the local community. The Reporter was also encouraged that it would be technically possible for the Scottish Water trunk water main to be diverted within land being acquired for the proposed scheme and recommend that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further significant impact on Milton Wood. The Reporter was also content that there is no justification for providing a new segregated joined up non-motorised user route as part of the proposed scheme and agreed that there is no basis on which Transport Scotland could use their powers under the Road (Scotland) Act 1984 for acquiring additional land. The Reporter however welcomed Transport Scotland's commitments to the Cairngorms National Park Authority and its progressing of the design and construction of an offline non-motorised user route between Aviemore and Carrbridge with key stakeholders, in terms of those commitments.

xii. Extant Objection (Non-Statutory): Mr Raymond Courtney (011) and Mrs Anne Courtney (012)

Non-Statutory objections were individually submitted on 26 September 2018 objecting to the effects that southbound widening would have on Aviemore particularly Milton Wood and the Aviemore orbital path. They are concerned about the impact on the Scottish Water trunk main. The location of the proposed southbound lay-by is also not acceptable. Northbound widening should have been adopted. Transport Scotland provided a response to the objections. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme and the outcome of the Design Manual for Roads and Bridges stage 2 and 3 assessments are correct. The Aviemore orbital path would not be impacted, and compensatory land would be acquired to mitigate the impact on Milton Wood. The Scottish Water trunk main would require to be realigned whichever option was taken forward. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter noted the Orbital path would not be affected; would not require to be diverted or moved and although the road would be closer to the orbital path, no significant noise or visual impacts are predicted. Further with mitigation planting and the improvements to the underpasses and non-motorised user paths in the area which link to the Orbital path, there would be benefits for the local community. The Reporter was also encouraged that it would be technically possible for the Scottish Water trunk water main to be diverted within land being acquired for the proposed

scheme and recommend that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further significant impact on Milton Wood.

xiii. Extant Objection (Non-Statutory): Mr John Talbot (013) and Janis Bootle (014)

Non-Statutory objection were individually submitted on 2 October 2018 noting objection due to the effects that southbound widening would have on Aviemore particularly Milton Wood and the Aviemore orbital path. They were concerned about the impact on the Scottish Water trunk main and Northbound widening should have been adopted. Transport Scotland provided a response to the objections. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme and the outcome of the Design Manual for Roads and Bridges stage 2 and 3 assessments are correct. The Aviemore orbital path would not be impacted, and compensatory land would be acquired to mitigate the impact on Milton Wood. The Scottish Water trunk main would require to be realigned whichever option was taken forward. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter noted the Orbital path would not be affected; would not require to be diverted or moved and although the road would be closer to the orbital path, no significant noise or visual impacts are predicted. Further with mitigation planting and the improvements to the underpasses and non-motorised user paths in the area which link to the Orbital path, there would be benefits for the local community. The Reporter was also encouraged that it would be technically possible for the Scottish Water trunk water main to be diverted within land being acquired for the proposed scheme and recommend that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further significant impact on Milton Wood.

xiv. Extant Objection (Non-Statutory): Mr Roger Anderson and Ms Deborah Johnston (015)

A Non-Statutory objection was submitted on 9 October 2018. It was their understanding that no noise impact survey has been undertaken for the recent Milton Side development and no figures were provided for assurance that noise would not be higher. No noise mitigation was proposed other than a low noise road surface. Planting to replace trees removed would take 15 years to mature and have any effect on noise mitigation. The objector noted the current plans should be reviewed

and full acoustic barriers be installed to reduce noise levels. Steps should be taken to reduce the visual impact and enhance safety. Northbound widening should be adopted. Transport Scotland provided a response to the objection. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme and the outcome of the Design Manual for Roads and Bridges stage 2 and 3 assessments are correct. A robust noise and vibration assessment had been undertaken which included the objectors' property. The noise impacts would not be significant and therefore no further mitigation, over and above that already incorporated is proposed adjacent to Milton Side. Properties at Milton Side are lower than the existing A9 and there are restricted views of the A9 from Milton Side due to structures, trees and vegetation which would remain. Planting of large specification trees is proposed to provide further visual screening. Alternative alignments were fully assessed. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter was content that the impacts on the objectors' property have been properly assessed and have not been discounted as suggested. Furthermore, the Reporter was satisfied that at the year of opening there would be no significant visual impact at the property. Accordingly, they agreed that no additional mitigation measures were necessary.

xv. Extant Objection (Non-Statutory): Mrs Alison and Mr Andrew Allan (016)

A Non-Statutory objection was submitted on 4 October 2018. Objecting to noise from the proposed road and noting that no noise testing had been done in the area and no barriers or alternative forms of protection against the huge increases in traffic noise and the construction work was proposed. The planting of trees is not sufficient, and the works would result in a devaluation of their property in the future. Transport Scotland provided a response to the objection. A robust noise and vibration assessment had been undertaken which included the objectors' property. The noise impacts would not be significant and therefore no further mitigation, over and above that already incorporated is proposed adjacent to Milton Side. Tree planting is proposed to contribute to visual screening. Committed mitigation in relation to construction phase noise and vibration impacts would be imposed on the contractor for the scheme. The Reporter was satisfied that the noise and vibration assessment included the objectors' property at Milton Side. There would be no significant noise impacts due to the operation of the proposed scheme. It is inevitable that there may be impacts from the construction of the road, but the Reporter accepted that these would be localised and temporary in nature.

xvi. Extant Objection (Non-Statutory): Ms Anne Stewart (017)

A Non-Statutory objection was submitted on 8 October 2018. The objection concerned the effects that southbound widening would have on Milton Wood and the Aviemore orbital path. The repositioning of the Scottish Water trunk main has the potential to further impact the wood. Northbound widening should have been adopted. The objector also has concerns regarding the impact the scheme would have on her property. Transport Scotland provided a response to the objection. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme and the outcome of the Design Manual for Roads and Bridges stage 2 and 3 assessments are correct. The Aviemore orbital path would not be impacted, and compensatory land would be acquired to mitigate the impact on Milton Wood. The Scottish Water trunk main would require to be realigned whichever option was taken forward. Transport Scotland has undertaken a robust assessment of the amenity impacts of the proposed scheme which has included consideration of noise and visual impact among other aspects. With respect to the objector's property none of these impacts have been assessed as significant with committed mitigation in place. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter noted the Orbital path would not be affected; would not require to be diverted or moved and although the road would be closer to the orbital path, no significant noise or visual impacts are predicted. Further with mitigation planting and the improvements to the underpasses and non-motorised user paths in the area which link to the Orbital path, there would be benefits for the local community. The Reporter was also encouraged that it would be technically possible for the Scottish Water trunk water main to be diverted within land being acquired for the proposed scheme and recommend that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further significant impact on Milton Wood. The Reporter was content that given the retention of some of the existing trees and with the planting of large specification trees, impact on the objectors property would decrease over time as predicted in the Environmental Statement and considered that this planting would provide a greater level of initial screening due to the height of the trees to be planted particularly when viewed together with the existing trees. The Reporter therefore did not consider that any additional screening in the short term would be necessary.

xvii. Extant Objection (Non-Statutory): Mr Douglas Graham (018)

A Non-Statutory objection was submitted on 8 October 2018. The objector considered that northbound widening should be adopted through Aviemore to minimise the impact on Milton Wood and on his property. He also has concerns about the consultation process and the relocation of the Scottish Water trunk main. Transport Scotland provided a response to the objections. Alternative alignments were fully assessed. The northbound and symmetrical options are not better in overall terms than the proposed scheme and the outcome of the Design Manual for Roads and Bridges stage 2 and 3 assessments are correct. The Aviemore orbital path would not be impacted, and compensatory land would be acquired to mitigate the impact on Milton Wood. The Scottish Water trunk main would require to be realigned whichever option was taken forward. Transport Scotland has undertaken a robust assessment of the amenity impacts of the proposed scheme which has included consideration of noise and visual impact among other aspects. With respect to the objector's property none of these impacts have been assessed as significant with committed mitigation in place. The objector's property has been included in the relevant sections of the Environmental Statement. Access would not be made available to the contractors constructing the proposed scheme. The Reporter was satisfied that the route assessment was carried out in accordance with Design Manual for Roads and Bridges and the decisions leading to the preferred route were reasonable, taken at the appropriate juncture and informed by consultation. The Reporter noted the Orbital path would not be affected; would not require to be diverted or moved and although the road would be closer to the orbital path, no significant noise or visual impacts are predicted. Further with mitigation planting and the improvements to the underpasses and non-motorised user paths in the area which link to the Orbital path, there would be benefits for the local community. The Reporter was also encouraged that it would be technically possible for the Scottish Water trunk water main to be diverted within land being acquired for the proposed scheme and recommend that Scottish Ministers give consideration to instructing Transport Scotland to work closely with Scottish Water to agree and implement a solution to avoid any further significant impact on Milton Wood. The Reporter accepted that the compulsory purchase order does not include the objector's access and agreed that this land would not be available to the contractor and the contractor would have no right to use it unless with the consent of the objector. The Reporter was content that the impacts on his property had been properly assessed and that there were no significant noise or flooding impacts expected.

xviii. Extant Objection (Non-Statutory): Mr Nick Kempe (019)

A Non-Statutory objection was submitted on 4 October 2018 objecting to the lack of a direct non-motorised user facility between Aviemore and Carrbridge. Transport Scotland provided a response to the objection. There is already a link between Aviemore and Carrbridge which would not be affected by the proposed scheme. In accordance with the proposed scheme's objectives, a direct link has been considered and assessed as an opportunity. However, this would result in additional impacts and would require additional land acquisition. The provision of such a link would not be necessary mitigation and therefore Transport Scotland could not use its compulsory purchase powers to deliver this. However, Transport Scotland has made commitments to progress a non-motorised user link between Aviemore and Carrbridge separately from the proposed scheme. The Reporter was content that there is no justification for providing a new segregated joined up non-motorised user route as part of the proposed scheme and agreed that there is no basis on which Transport Scotland could use their powers under the Road (Scotland) Act 1984 for acquiring additional land. The Reporter however welcomed Transport Scotland's commitments to the Cairngorms National Park Authority and its progressing of the design and construction of an offline non-motorised user route between Aviemore and Carrbridge with key stakeholders, in terms of those commitments.

xix. Extant Objection (Non-Statutory): Ms Jacqueline Rice (024)

A Non-Statutory objection was submitted on 8 October 2018 in which the objector raises concern the non-motorised user provision within the proposed scheme does not deliver the strategic objectives set out in the A9 Non-Motorised user Access Strategy and does not accord with key aspirations put forward to Transport Scotland during meetings of the non-motorised user forum. The proposed north to south main non-motorised user route is unacceptably convoluted, incorporates an inappropriate range of differing standards of path. Transport Scotland provided a response to the objection. There is already a link between Aviemore and Carrbridge which would not be affected by the proposed scheme. In accordance with the proposed scheme's objectives, a direct link has been considered and assessed as an opportunity. However, this would result in additional impacts and would require additional land acquisition. The provision of such a link would not be necessary mitigation and therefore Transport Scotland could not use its compulsory purchase powers to deliver this. However, Transport Scotland has made commitments to progress a non-motorised user link between Aviemore and Carrbridge separately from the proposed scheme. The Reporter was content that there is no justification for providing a new

segregated joined up non-motorised user route as part of the proposed scheme and agreed that there is no basis on which Transport Scotland could use their powers under the Road (Scotland) Act 1984 for acquiring additional land. The Reporter however welcomed Transport Scotland's commitments to the Cairngorms National Park Authority and its progressing of the design and construction of an offline non-motorised user route between Aviemore and Carrbridge with key stakeholders, in terms of those commitments.

xx. Extant Objection (Non-Statutory): Strathdearn Community Council (027)

A Non-Statutory objection was submitted on 16 October 2018. Noting concerns on the lack of a dedicated cycleway from Aviemore to Carrbridge and the Black Mount junction. Transport Scotland provided a response to the objection. There is already a link between Aviemore and Carrbridge which would not be affected by the proposed scheme. In accordance with the proposed scheme's objectives, a direct link has been considered and assessed as an opportunity. However, this would result in additional impacts and would require additional land acquisition. The provision of such a link would not be necessary mitigation and therefore Transport Scotland could not use its compulsory purchase powers to deliver this. However, Transport Scotland has made commitments to progress a non-motorised user link between Aviemore and Carrbridge separately from the proposed scheme. The Reporter was content that there is no justification for providing a new segregated joined up non-motorised user route as part of the proposed scheme and agreed that there is no basis on which Transport Scotland could use their powers under the Road (Scotland) Act 1984 for acquiring additional land. The Reporter however welcomed Transport Scotland's commitments to the Cairngorms National Park Authority and its progressing of the design and construction of an offline non-motorised user route between Aviemore and Carrbridge with key stakeholders, in terms of those commitments.

10. Conditions to which the Decision is Subject

The decision to proceed with the Project is subject to the following conditions.

The design of the Project has been progressed taking account of identified environmental constraints and considerations, enabling reduction or avoidance of potential environmental impacts where practicable. Chapter 21 (Schedule of Environmental Commitments) of the ES summarises the additional mitigation measures identified in the ES, which are considered necessary to avoid; reduce; or offset potential impacts. The mitigation measures stipulated in Chapter 21 will form

contractual requirements on the Contractor (or Transport Scotland where applicable).

Transport Scotland, following discussions with Objectors proposed some limited agreed modifications to the draft CPO and the draft Side Roads Order. These are set out in the Schedule of Amendments to draft Compulsory Purchase Order and Schedule of Amendments to draft Side Roads Order in Appendix 2 of Transport Scotland's Closing Submission to the PLI. The closing submission can be found at <https://www.dpea.scotland.gov.uk/Document.aspx?id=693883>

These also reflect Statutory Undertakings and/or Agreements with landowners, including agreements under Section 53 of the Roads (Scotland) Act 1984. These agreements set out specific amendments to the draft CPO, agreements for servitude rights, developments to the design, agreements on implementing woodland mitigation, offers of land buy back in accordance with Crichel Down rules, and other additional detailed and explicit measures specific to each objection.

Undertakings and/ or Agreements have been concluded with the following Objectors:

1. Kinrara Estate Partnership
2. Mr DS Fletcher CBE
3. Badenoch and Strathspey Ramblers – Mrs Marian Burrows-Smith
4. Boat of Garten and Vicinity Community Council
5. Carrbridge & Vicinity Community Council
6. Mr Stuart Davies and Ms Gwenda Diack
7. Mr David A Lyle
8. Cairngorms National Park Authority
9. The Highland Council
10. Ms Denise Stott
11. The Rt Hon Ian Derek Francis Ogilvie-Grant, Earl of Seafield, and the Firm of Seafield Rural
12. The Rt Hon Ian Derek Francis Ogilvie-Grant, Earl of Seafield, The Honourable James Andrew Ogilvie-Grant, Viscount Reidhaven, David Henry Houldsworth and David Carmichael MacRobert as trustees of The Reidhaven Trust.
13. Mr Ewan Buxton and Ms Louise DeRaad
14. Mr Stuart Dickson
15. Scottish Natural Heritage (SNH)
16. Scottish Environment Protection Agency (SEPA)
17. Network Rail Infrastructure Limited

The Reporter concludes in Chapter 6 of her Report that subject to appropriate assessments undertaken in accordance with the Conservation (Natural Habitats,

&c.) Regulations 1994 concluding that there would be no adverse effects on the integrity of the River Spey Special Area of Conservation; Insh Marshes Special Area of Conservation; River Spey – Insh Marshes Special Protection Area and Ramsar site; Cairngorms Massif Special Protection Area; Abernethy Forest Special Protection Area, Anagach Wood Special Protection Area; Craigmore Woods Special Protection Area; Kinveachy Forest Special Protection Area, Kinveachy Forest Special Area of Conservation; Cairngorms Special Area of Conservation; Cairngorms Special Protection Area; Loch Vaa Special Protection Area; Slochd Special Area of Conservation and the Moray Firth potential Special Protection Area that the Orders be made, subject to the changes to the draft CPO (modifications to CPO plots 1029, 1030, 1031, 1034, 1035, 1036b, 1037, 1038, 1039, 1624a, 1624c, 1624e, 1624g, 1624i, and 1626) and Side Roads Order (including modifications proposed by Transport Scotland, which enabled the withdrawal of a number of Objections.

Having regard to the Environmental Statement, and with specific reference to Chapter 10 (Geology, Soils and Groundwater), Chapter 11 (Road Drainage and the Water Environment), Chapter 12 (Ecology and Nature Conservation) and Chapter 21 (Schedule of Environmental Commitments) and their conclusions, the Reporter was satisfied that the extensive mitigation measures proposed would ensure that there would be no adverse effects on the integrity of the statutory designated sites of international and national importance. It is a condition on the decision to proceed that the proposed extensive mitigation measures be implemented.

The Scottish Ministers confirm the Appropriate Assessment referred to has been undertaken and has concluded that the Project will not adversely affect the integrity of the Natura Sites.

No further correspondence has been received by the Scottish Government regarding the A9 Dalraddy to Slochd proposals that would affect the Scottish Ministers' decision.

I I. Reasoned Conclusion

The reasoned conclusion by the Scottish Ministers on the significant effects of the proposed Project on the environment, taking into account the results of the examination by the Scottish Ministers of the information presented in the ES and the other environmental information set out above, including in relation to consultation as set out in Sections 2 and 3, is that the effects of the Project proceeding on the environment will be as follows:

- An EIA has been undertaken as set out in the published ES and has concluded that, with mitigation and monitoring measures in place, the Project will not result in significant adverse residual effects on the following environmental factors:
 - Geology, Soils and Groundwater (Chapter 10);
 - Cultural Heritage (Chapter 15); and
 - Air Quality (Chapter 16).
- Significant residual adverse effects are predicted for the following topics:
 - People and communities - Community and Private Assets (Chapter 8);
 - People and communities - Effects on All Travellers (Chapter 9);
 - Road Drainage and the Water Environment (Chapter 11);
 - Ecology and Nature Conservation (Chapter 12);
 - Landscape (Chapter 13);
 - Visual (Chapter 14);
 - Noise and Vibration (Chapter 17); and
 - Materials (Chapter 18).
- Significant residual (beneficial) effects are predicted in relation to:
 - Road Drainage and the Water Environment (Chapter 11); and,
 - Ecology and Nature Conservation (Chapter 12).

The Reporter reviewed the ES and reports her conclusions in Chapter 2 of her Report. She concludes that the overall environmental effects of the proposed scheme have been assessed in the ES. The measures to mitigate predicted significant effects, where practicable, have been identified and embedded into the design of the proposed scheme and/or contained in a schedule of environmental commitments. The Reporter concludes that she is satisfied that the ES has been prepared in accord with the requirements of the Roads (Scotland) Act 1984 as amended by the Environmental Impact Assessment (Scotland) Regulations 1999, relevant guidance and good practice and she considers that the environmental effects have been thoroughly considered and the assessment process robust.

The Reporter also noted that the Project encroaches into a number of statutorily designated sites of international and national importance and as such, in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), an Appropriate Assessment was required to establish whether there would be adverse effects on the integrity of the designations affected.

An Appropriate Assessment was completed, and this concluded that the Project would not result in an adverse effect on site integrity on the River Spey SAC, Insh Marshes SAC, River Spey – Insh Marshes Ramsar, Abernethy Forest SPA, Angach Wood SPA, Craigmore Wood SPA, Kinveachy Forrest SPA, Cairngorms SPA, Cairngorms SAC and Loch Vaa SPA.

The Reporter, having regard to the Environmental Statement, and with specific reference to Chapter 10 (geology, soils and groundwater), Chapter 11 (road drainage and the water environment), Chapter 12 (ecology and nature conservation) and Chapter 21 (schedule of environmental commitments) and conclusions contained within, stated he was satisfied that the extensive mitigation measures proposed would ensure that there would be no adverse effects on the integrity of the statutory designated sites of international and national importance.

The Scottish Ministers, having regard to the current knowledge and methods of assessment are satisfied that this reasoned conclusion is still up to date and addresses the likely significant effects of the project on the environment.

12. Features of the Project and Measures to Avoid, Prevent or reduce and, if possible, offset Likely Significant Adverse Effects on the Environment

The ES Design Development (Chapter 4) outlines the iterative DMRB Stage 3 design and environmental review processes that has informed the development of the Project, the principal aim being to ensure that a range of potential environmental impacts could, in the first instance, be addressed or avoided by embedding mitigation through iterative design revisions.

For the Proposed Scheme, the iterative design process has involved the following:

- Project team meetings;
- Development and use of an environmental constraints mapping tool, capturing survey data and information held by stakeholders;
- Environmental mitigation workshops;
- A series of design refreshes; and
- Stakeholder input.

Project team meetings were held at regular intervals, and this allowed environmental disciplines to have a clear understanding of the design proposals/refinements and to provide feedback on environmental constraints and also on opportunities for addressing potential impacts, which has informed the design development.

In order to collate and share environmental and design information across the project team, a web-based GIS tool was developed, known as WebGIS. WebGIS which was a live tool accessible to all members of the project team and enabled easy access to a wide range of information including: environmental constraints (such as protected areas, habitats, features of cultural heritage interest, etc.); geotechnical and topographical information; historic mapping, aerial imagery, site photographs and design information. Information was added and updated as necessary based on site surveys, desk studies, consultee information and design refreshes. The tool allowed data to be overlain to establish where there might be interface between the developing design and environmental constraints.

Environmental mitigation workshops were held during the Stage 3 design development. The workshops focussed on particular aspects of the design where contributions from specific environmental disciplines was required to discuss and influence the design development. Workshop themes included: road alignment and landscape fit, road drainage and watercourse crossings, flood risk, structures, soil and peat management, and primarily included landscape, ecology, geology and hydrology specialists together with EIA co-ordinators and the members of the design team.

The iterative design process has also included stakeholder input, primarily via the monthly meetings of the A9 Environmental Steering Group (ESG) and other dedicated stakeholder consultation. ESG input in relation to the A9 Dualling programme as a whole have also been relevant to the Proposed Scheme, particularly around aspects such as road drainage design, flood risk, peat management, earthwork slope gradients and landscape fit.

Non-Motorised User (NMU) stakeholders have also influenced the Stage 3 design, via NMU Forums and meetings with the Cairngorms National Park Access Officer, The Highland Council Access Officer, Sustrans and Scotways. This, in addition to feedback from public exhibitions, has informed the design of NMU connections to and through the Proposed Scheme.

Discussion with affected landowners and local communities has also informed the Stage 3 design and has influenced the following:

- Compact (reduced footprint) grade separated junctions are proposed at Aviemore South, Granish and Black Mount. There was strong public support for this alternative which was presented alongside the preferred route option at Stage 2, for further consideration at Stage 3. Development of the 'down-sized' junctions included traffic prioritisation modifications at Aviemore South and Granish

junctions (including the incorporation of a roundabout interface with local roads at the latter) to address related public feedback.

- Private property accesses have been developed following consultation with property/landowners to seek to minimise disruption in terms of access to residences and in relation to commercial agricultural, forestry and field sports operations, resulting from closure of direct accesses on to the A9. Where possible private accesses have been designed to follow existing routes (e.g. forestry tracks) to minimise land-take and avoid severance.
- At Avielochan earthworks and drainage design have been modified to ensure a clear route between permanent works and the adjacent railway such that the tenant farmers can continue to transfer cattle off-road between the farmhouse and holdings to the north/ north east.
- Horizontal realignment of the mainline has been carried out between Ch. 5500 and Ch. 6100 to move the carriageway further away from the Macdonald Highland Resort Hotel and maintain sections of the existing bund in addition to incorporation of a new bund. Immediately to the north of the hotel, at the Scandinavian Village, the proposed road verge has been modified in order that a 5m buffer strip from the fence line of this property can be maintained to the toe of the earthworks.
- In the absence of an alternative access via the local road network, new access provisions for Network Rail maintenance activities at Slochd are proposed. Retaining walls have been incorporated into the design where the proposed scheme is in close proximity to the Highland Mainline railway track in the vicinity of Carrbridge.
- Retaining walls are also proposed at Allt Mhor housing and Granish caravan park development sites to minimise mainline incursion at these locations and avoid compromising the consented development layout. In addition, SuDS accesses have been developed which are sympathetic to the layout of the caravan park following discussions with the developer. The retaining wall proposed at Allt Mhor also has the advantage of preventing encroachment closer to the orbital path.
- The proposed alignment of the public road access to Lynwilg (incorporating a footpath), from the proposed new Aviemore South grade separated junction has been developed through consultation with local residents to minimise potentially adverse visual impacts on residential property and to provide optimal connectivity to the A9 (northbound and southbound) via the new junction. The Highland Council was also central to road alignment design development discussions, given the road's adopted status.
- Discussions with Aviemore and Vicinity Community Council representatives, influenced the location of a lay-by on the southbound carriageway at Milton Wood where the preference for it to be located towards the southern end of the Aviemore orbital path (as opposed to further north on the edge of Milton Wood) was recognised in the proposed scheme design.

The development of the Proposed Scheme has included consideration of the environmental constraints present within the scheme extents and has sought to mitigate, where possible, the potential for adverse environmental impact. Such mitigation has been embedded into the design of the Proposed Scheme and this has focussed on the avoidance of features of environmental interest/importance and on achieving best fit within the existing environment. The following overall principles were considered in identifying embedded mitigation:

- Minimising potential impact on people and communities by avoiding direct encroachment onto property, optimising land take and facilitating access requirements;
- Horizontal and vertical alignments designed to be as close to the existing A9 as possible to minimise resultant earthwork embankments/cuttings and land take;
- Minimising encroachment into areas of ancient woodland and other sensitive habitat;
- Consideration of opportunities for potential variation of slope gradients to achieve best landscape fit and to reduce impact on ancient woodland;
- Minimising encroachment into areas at risk of flooding;
- Management of surface water runoff arising from the proposed A9 dual carriageway and side roads through appropriately located and designed drainage features;
- Avoidance of known areas of priority/deeper peat; and
- Alignments designed to facilitate access through the A9 corridor for Non-Motorised Users with specific consideration to the National Cycle Network, Core Paths and Rights of Way

As detailed in ES Chapter 6 (Overview of Assessment Process) as well as this embedded mitigation, the residual effects assessed in the ES include: Standard A9 Mitigation - typical best practice items that will be applied and referenced across all A9 Dualling projects; and Project Specific Mitigation - items that are further required to mitigate Proposed Scheme impacts, such as landscape proposals and management plans, that must be implemented to avoid, reduce or offset identified impacts.

The Schedule of Environmental Commitments (Chapter 21) of the ES specifies A9 Standard, Embedded Mitigation and Project Specific Mitigation for each environmental topic. These have either been incorporated in the Project design (Embedded) or will be implemented during the construction and/or operation (A9 Standard and Project Specific) of the Project. There are 95 Standard Mitigation items and 100 Embedded and Project Specific Mitigation items identified for the Project and the Contractor will be contractually required to implement these during construction/operation.

The application of mitigation reduces potential impacts as follows:

- **Community and Private Assets:** Community Liaison team to consult with local communities and residents and maintaining access to properties and businesses throughout construction
- **All Travellers:** Minimise length of closures or restrictions of access for NMUs and provision of temporary diversions or assisted crossings of the A9, where practicable. Reducing travel disruption through consideration of timing of works, the location of haul roads and maintenance of traffic management system.
- **Geology, Soils and Groundwater:** Protection of groundwater and private water supplies; best practice pollution, sediment, material management, soil management and peat management; monitoring and application of construction techniques to avoid or reduce impacts on peat; and re-instatement, restoration or creation of peat habitats through re-use of excavated peat.
- **Road Drainage and the Water Environment:** Establish new pond to compensate for loss of Shunem pond. provision of compensatory flood storage to replace functional floodplain; maintaining natural channel migration and natural movement of sediment in watercourses; provision of Sustainable Drainage Systems (SuDS) to remove road pollutant runoff, to provide attenuation and storage during flooding, and to afford opportunities for improved wildlife habitat and increased biodiversity.
- **Ecology and Nature Conservation:** Provision of mammal fencing to protect wildlife from traffic accidents; restoration of habitats directly affected during construction and further tree planting to mitigate loss of woodland (including Ancient Woodland);
- **Landscape and Visual:** Design of rock cuts to be varied and reflect the structure of the rock and form a naturalistic appearance; stone treatments to new retaining structures and planting of native trees, shrubs, heath and grasses to blend with the surrounding landscape and screen visual receptors.
- **Cultural Heritage:** Building recording surveys, mapping of historic earthworks; archaeological excavation where preservation in situ is not possible; monitoring of areas of potential archaeology during construction by archaeologists to identify and record archaeological remains.
- **Air Quality:** Application of appropriate dust control measures during construction such as covering of stockpiles, wheel-washing and use of site speed limits.
- **Noise and Vibration:** Careful design of blasting works at Slochd to reduce potential impacts on local community, roads, rail and NMU users and provision of site-specific noise barriers at three locations.

- **Materials:** application of material and waste management principles that will minimise use of construction materials and products that consume large amounts of energy in their extraction, processing and manufacturing; minimise purchasing of key construction materials and products from suppliers who cannot demonstrate that they have been produced sustainably; minimising use of virgin aggregates produced from naturally occurring mineral deposits and used for the first time; and minimising the generation of surplus materials and waste, and the permanent disposal of these materials to landfill through promoting re-use, recycling and recovery options.

Implementation of this mitigation will assist with avoiding and reducing potential significant adverse effects on the environment to only those detailed in Section 6 and Section 11 of this Record of Decision and providing the significant beneficial effects on the environment also detailed in these sections.

13. Monitoring Measures

The Schedule of Environmental Commitments tables presented in the ES at Chapter 21 (Schedule of Environmental Commitments) contain specific monitoring, consultation and approval requirements for each of the 195 mitigation items. These monitoring measures are to be implemented.

Environmental Clerk of Works (EnvCoW) (i.e. professionally qualified in a relevant environmental discipline) will be appointed by the Contractor, be present on site as required during the construction period, and will monitor the implementation of the mitigation measures identified to ensure that construction activities are carried out in such a manner to prevent or reduce impacts on the environment. Specific monitoring measures identified as mitigation during construction include, but are not limited to, monitoring:

- ground gas where pollutant pathways for ground gas have been identified;
- soils, peat, and potential areas of land contamination;
- excavated peat temporary storage stockpiles to prevent them from drying out;
- water table and vegetation in peat re-use areas to identify requirements for additional treatments works;
- groundwater and surface water features to protect the water environment;
- continuous water quality (including for turbidity and for leaks/spills) in strategically important areas downstream of the working areas;
- private water supplies to ensure infrastructure is not damaged and supplies are maintained;
- river levels in the immediate vicinity and in the wider catchment to identify flood risk during periods of heavy rainfall or extended periods of wet weather;

- restoration of notable habitats affected during construction, including those for protected species and breeding birds;
- noise from percussive works (including piling and drilling) that may affect Atlantic salmon, sea lamprey and Arctic charr; and
- noise and vibration levels as agreed with the Environmental Health Officer Department.

14. Right of Challenge

Any person aggrieved by the following Orders, or of any provision contained therein, on the grounds that it is not within the powers of the Roads (Scotland) Act 1984 or that any requirement of that Act or of any Regulations made under that Act has not been complied with in relation to the Order, may, within six weeks of 6 December 2024 make an application as regards that validity to the Court of Session:

1. The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Trunking) Order 2024,
2. The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Side Roads) Order 2024

Any person aggrieved by The A9 and A95 Trunk Roads (Dalraddy to Slochd) Compulsory Purchase Order 2024 who wants to question its validity or any provision of it on the ground that authorisation of the Order is not empowered to be granted under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or the Roads (Scotland) Act 1984, or on the ground any requirement of the 1947 Act or any regulation made under it, has not been complied with, may make an application to the Court of Session within six weeks of 6 December 2024.

Any person wishing to question the validity of the decision to make The A9 and A95 Trunk Roads (Dalraddy to Slochd) (Extinguishment of Public Rights of Way) Order 2024, or any of its provisions, may make an application as regards that validity to the Court of Session, within such time period as that Court in its discretion will allow.



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